

1 Repeal 2 Cal. Code Regs. Section 18704.4:

2 **~~§ 18704.4. Exceptions.~~**

3 ~~(a) Making or participating in making a governmental decision does not include:~~

4 ~~(1) Actions of public officials which are solely ministerial, secretarial, manual, or~~
5 ~~clerical;~~

6 ~~(2) Appearances by a public official as a member of the general public before an agency~~
7 ~~in the course of its prescribed governmental function to represent himself or herself on matters~~
8 ~~related solely to the official's personal interests as defined in Regulation 18704.4; or~~

9 ~~(3) Actions by public officials relating to their compensation or the terms or conditions of~~
10 ~~their employment or contract. In the case of public officials who are "consultants," as defined in~~
11 ~~Regulation 18704.6, this includes actions by consultants relating to the terms or conditions of the~~
12 ~~contract pursuant to which they provide services to the agency, so long as they are acting in their~~
13 ~~private capacity.~~

14 ~~(b) Notwithstanding Regulation 18704.3(a), an official is not attempting to use his or her~~
15 ~~official position to influence a governmental decision of an agency covered by that subsection if~~
16 ~~the official:~~

17 ~~(1) Appears in the same manner as any other member of the general public before an~~
18 ~~agency in the course of its prescribed governmental function solely to represent himself or~~
19 ~~herself on a matter which is related to his or her personal interests. An official's "personal~~
20 ~~interests" include, but are not limited to:~~

21 ~~(A) An interest in real property which is wholly owned by the official or members of his~~
22 ~~or her immediate family.~~

23 ~~(B) A business entity wholly owned by the official or members of his or her immediate~~

1 family.

2 ~~(C) A business entity over which the official exercises sole direction and control, or over~~
3 ~~which the official and his or her spouse jointly exercise sole direction and control.~~

4 ~~(2) Communicates with the general public or the press.~~

5 ~~(3) Negotiates his or her compensation or the terms and conditions of his or her~~
6 ~~employment or contract.~~

7 ~~(4) Prepares drawings or submissions of an architectural, engineering or similar nature to~~
8 ~~be used by a client in connection with a proceeding before any agency. However, this provision~~
9 ~~applies only if the official has no other direct oral or written contact with the agency with regard~~
10 ~~to the client's proceeding before the agency except for necessary contact with agency staff~~
11 ~~concerning the processing or evaluation of the drawings or submissions prepared by the official.~~

12 ~~(5) Appears before a design or architectural review committee or similar body of which~~
13 ~~he or she is a member to present drawings or submissions of an architectural, engineering or~~
14 ~~similar nature which the official has prepared for a client if the following three criteria are met:~~

15 ~~(A) The review committee's sole function is to review architectural or engineering plans~~
16 ~~or designs and to make recommendations in that instance concerning those plans or designs to a~~
17 ~~planning commission or other agency;~~

18 ~~(B) The ordinance or other provision of law requires that the review committee include~~
19 ~~architects, engineers or persons in related professions, and the official was appointed to the body~~
20 ~~to fulfill this requirement; and~~

21 ~~(C) The official is a sole practitioner.~~

22 ~~(e) Academic Decisions.~~

1 ~~(1) Except as provided in subsection (c)(2), neither disclosure of financial interests nor~~
2 ~~disqualification is required under Section 87100, 87302, or any Conflict of Interest Code, in~~
3 ~~connection with:~~

4 ~~(A) Teaching decisions, including the selection by a teacher of books or other educational~~
5 ~~materials for use within his or her own school or institution, and other decisions incidental to~~
6 ~~teaching;~~

7 ~~(B) Decisions made by a person who has teaching or research responsibilities at an~~
8 ~~institution of higher education to pursue personally a course of academic study or research, to~~
9 ~~apply for funds to finance such a project, to allocate financial and material resources for such~~
10 ~~academic study or research, and all decisions relating to the manner or methodology with which~~
11 ~~such study or research will be conducted. Provided, however, that the provisions of this~~
12 ~~subsection (c)(1)(B) do not apply with respect to any decision made by the person in the exercise~~
13 ~~of institution or campus wide administrative responsibilities respecting the approval or review~~
14 ~~of any phase of academic research or study conducted at that institution or campus.~~

15 ~~(2) Disclosure (consistent with Regulation 18755) shall be required under Section 87302~~
16 ~~or any Conflict of Interest Code in connection with a decision made by a person or persons at an~~
17 ~~institution of higher education with principal responsibility for a research project to undertake~~
18 ~~such research, if it is to be funded or supported, in whole or in part, by a contract or grant (or~~
19 ~~other funds earmarked by the donor for a specific research project or for a specific researcher)~~
20 ~~from a nongovernmental entity, but disqualification may not be required under Sections 87100,~~
21 ~~87302 or any Conflict of Interest Code in connection with any such decision if the decision is~~
22 ~~substantively reviewed by an independent committee established within the institution.~~

- 1 ~~Note: Authority cited: Section 83112, Government Code. Reference: Section 87100,~~
- 2 ~~Government Code.~~